S.B. CIVIL MISC. APPEAL NO. 594/2006

Date : 10.05.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. R.K. Vishnoi for the appellant.

= = =

Heard.

The present appeal is for enhancement of the award. The deceased was around 49 years of age. His income was alleged to be Rs. 5000/- per month which is accepted by the tribunal and on that basis, a sum of Rs.4,71,000/- has been awarded.

Learned counsel for the appellant submitted that he used to get overtime also. No proof to the effect that overtime was ever paid has been brought on record. The only document which is brought on record is Ex.P/15 which speaks of Rs.5000/- per months income. Therefore, the income cannot be said to be taken in account which is beyond the evidence adduced by the appellants themselves. As regards the multiplier, for a person of 49 years of age, if a multiplier of 11 has been used, it cannot be said that the same is dis-proportionate or less. The amounting awarded is sufficiently exhibited to the income projected. No case for enhancement is made out. The appeal having no force is hereby dismissed.

(BHAGWATI PRASAD), J.